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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/787,784

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Rodney Perkins

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10/20/2006

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EXAMINER

SHERR, CRISTINA O

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,784

Applicant(s)

PERKINS, RODNEY

Examiner

Cristina Owen Sherr

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is in response to applicant's amendment filed July 24, 2006. Claims 9-30 are currently pending in this case.

Response to Arguments

2. Applicant's arguments with respect to claims 9-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over inter et al (US 5,892,900).

5. Ginter discloses a data transfer system comprising; a key facility; a sender facility configured to communicate with the key facility, the sender facility comprising a first encryption module configured to encrypt data for an intended recipient, wherein to produce a first encrypted part and a remaining encrypted part are produced, the first encrypted part carrying information for decryption of the remaining, encrypted part such that the remaining encrypted part can be decrypted only after decrypting the first encrypted part, a second encryption module configured to encrypt the first encrypted part so as to produce a third encrypted part, the third encrypted part being decryptable

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only by the key facility; a combiner configured to combine the third encrypted part with the remaining encrypted part to produce a data block, and a first transmitter configured to send the data block; and a receiver facility configured to communicate with the key facility, the receiver facility comprising: a receiver configured to receive the data block; a splitter configured to split the data block into the third encrypted part and the remaining encrypted part; and a command module configured to generate a request for the key facility to decrypt the third encrypted part wherein the first encrypted part is recovered, the receiver further adapted to receive the first encrypted part from the key facility; wherein the key facility further comprises; a first decryption module configured to decrypt the third encrypted part after receipt of the request from the receiver facility, wherein the first encrypted part is recovered and a second transmitter configured to send the first encrypted part to the receiver facility; and wherein the receiver facility further comprises a second decryption module configured to decrypt the first encrypted part so as to enable the subsequent decryption of the remaining encrypted part (e.g. col 67 ln 48 – col 68 ln 27, col 118 ln 25-40, fig 62).

6. Ginter does not use precisely the same terminology as the instant application, e.g. public and private key rather than first and second encryption module, however, it would be obvious to adapt Ginter to obtain the instant application by renaming and setting a specific number of "splits" in data to make it practical and economical.

7. Regarding claims 10-12 – Ginter discloses the system of Claim 9, wherein the sender facility includes a signature module to sign the data block; wherein the first transmitter is configured to send the

to enable the subsequent decryption of the remaining encrypted part (e.g. col 67 ln 48 – col 68 ln 27, col 118 ln 25-40, fig 62):

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data block to the key facility, and wherein the key facility further includes a receiver configured to receive the data block and to forward the data block to the receiver facility; wherein the key facility further includes a log module configured to log receipt of the data block (e.g. col 254, ln 50-65).

8. Regarding claims 13-14 –

Ginter discloses the system of Claim 9, wherein the receiver facility is configured to communicate with the key facility and the sender facility, and wherein the first transmitter is configured to send the data block to the receiver facility, the receiver facility further comprising a receiver to receive the data block; wherein the facility further comprises a log module configured to log receipt of the third encrypted part (e.g. col 118 ln 25-40).

9. Regarding claims 15-16 –

Ginter discloses the system of Claim 9, wherein the key facility further comprises a log module configured to log receipt of the request for decryption of the third encrypted part as proof of delivery of the data block to the receiver facility; and wherein the sender facility further comprises a delivery module configured to request proof of delivery information from the key facility (e.g. col 254, ln 50-65).

10. Regarding claim 17 –

Ginter discloses the system of Claim 9, wherein the key facility is a trusted third party (e.g. fig. 77).

11. As above, Ginter does not use precisely the same terminology as the instant application, e.g. public and private key rather than first and second encryption module,

wherein the system of Claim 9, wherein the key facility further comprises a log module configured to log receipt of the request for decryption of the third encrypted part

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however, it would be obvious to adapt Ginter to obtain the instant application by renaming and setting a specific number of "splits" in data to make it practical and economical.

12. Claims 18-30 are rejected under the same criteria as above.

13. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner, AU 3621

Andrew J. Fischer 10/14/06

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Patent Examiner, AU 3621